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# Newtown, Connecticut South Main Street Village Design District

## ADDENDUM TO THE 2004 PLAN OF CONSERVATION AND DEVELOPMENT



## **Plan of Conservation and Development**

*Add new text as follows on page 96 of the POCD*

There are three performance objectives for the South Main Street corridor:

- encouraging and allowing appropriate development and redevelopment in the corridor,
- managing traffic impacts and property access in the corridor, and
- guiding the design of buildings and sites in the corridor to enhance the character of Newtown.

The main regulatory strategy for this corridor is to establish a “South Main Village Design District”. The key aspects of this overlay zone are as follows:

- designating the South Main Village Design District as a “village district” to help the Commission manage change in the corridor,
- requiring that most development obtain a Special Exception,
- managing traffic impacts and aesthetic issues along the corridor through the Special Exception process,
- allowing adaptive reuse of residential homes by Special Exception, and
- enabling any property within the corridor to apply to be rezoned to Special Development District (SDD) in order to create a “planned development”.

### *Village District To Be Established*

South Main Street has a distinctive landscape and character due to the nature of the resources, uses, and functions in the corridor:

- the corridor serves as a gateway to Newtown from the south and as a transition to and from the borough on the north,
- it contains large expanses of fields and open lawns,
- it contains historic homes, open fields and small specialty retail shops that help give Newtown its “New England character”,
- it contains sensitive natural resources such as wetlands and aquifer areas.

In addition to these resources, the corridor contains or is adjacent to several large business and industrial operations or sites where future development has the potential, if not designed sensitively, to fundamentally change the landscape and character of the corridor. In addition, increasing traffic volumes may increase the pressure for alternative uses in the corridor.

However, development (even large scale development) can complement the overall character of the corridor provided it is designed sensitively and provided the architecture complements the desired character of the corridor.

Due to the desire to ensure that an appropriate balance is maintained between the intensity of uses and the character of uses, the POCD specifically recommends that this corridor be designated as a “village district” as part of any regulatory changes.

Designation as a “village district” under CGS 8-2j provides better tools for the Commission to manage activities in the corridor by regulating new construction and rehabilitation of properties in view from public roadways.

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A “village district” is a special type of zoning district authorized by the Connecticut General Statutes where aesthetic issues (such as building and site design) are key considerations. A proposed development which is designed in accordance with the design review guidelines and the surrounding area would likely be approved. On the other hand, a proposed development which is out of character with the design review guidelines and the surrounding area might not be approved. In other words, a “village district” is a statutorily authorized zoning regulation where an application may be approved, modified, or denied for aesthetic reasons.

This type of zoning district is called a “village district” since it was originally enacted in 1998 to apply to village-type areas. However, within two years (Public Act 00-145), the legislation was modified so that it became potentially available for any area identified in the plan of conservation and development. In other words, the phrase “village district” was appropriate when the law was first enacted and applied to village-type areas but the law has since expanded to apply to other areas (such as Route 25) which are identified in the Plan of Conservation and Development.

The Plan recommends the adoption of a village district for the South Main Street corridor in order to guide the development along Route 25 in ways that improve and enhance the corridor and its overall ambience and appearance. Since so many people travel this corridor on a regular basis, its impact on people’s perception of the character of Newtown is magnified.

The Commission believes that, in the absence of a village district, future development along the corridor may result in “strip-type” development patterns and mono-typical architecture or patterns of development that may detract from the unique New England landscape and character. Newtown and the South Main Street corridor deserve better. Rather than allow designs and buildings which detract from the character of the community, the intent is to encourage buildings and sites which maintain and enhance the character of the community.

While the Commission was initially hopeful that design guidelines and an advisory design review process overseen by the Design Advisory Board would encourage people to prepare appropriate designs, there was a concern that this type of advisory process might not be enough to ensure good design. Since buildings and site designs tend to be fairly permanent and will likely outlive the decision-makers of today, the Commission realized that having the ability to require good design would be an important legacy for future generations.

As provided in Berman v Parker (348 U.S. 26 (1954)):

“The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.”

This desire to manage the design of buildings and sites is magnified by the strategies which are recommended in subsequent paragraphs to allow additional development opportunities under certain conditions.

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*Special Exception To Be Required*

Except for a single-family residential dwelling, most new non-residential development in the South Main Street corridor should be required to obtain a Special Exception from the Commission. This is to ensure that adequate consideration will be given (by applicants and by the Commission) the to traffic impacts, the design and placement of buildings, maintenance of public views and to the distinctive character of the corridor.

*Adaptive Reuse of Residential Structures To Be Allowed*

To encourage the preservation and maintenance of existing residential buildings along South Main Street, especially those of historical and/or architectural significance, the regulations should allow for the adaptive reuse of such buildings to non-residential uses by Special Exception.

*Design District Designation To Be Allowed*

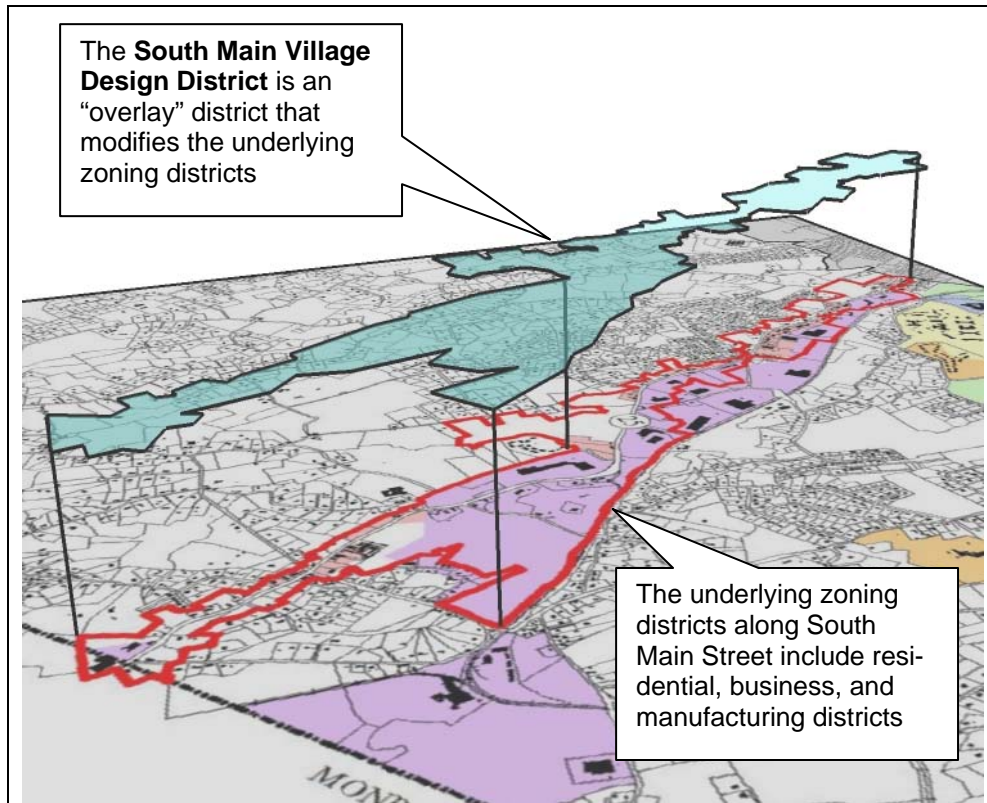
To allow for appropriate land use changes in the corridor which will meet the performance objectives outlined by the Commission, a new provision should be added to the Newtown Zoning Regulations allowing "planned developments" in the South Main Village Design District.

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**PERMITTING PROCEDURES**

<b>Underlying Zone</b>	<b>Activity Proposed</b>	<b>Approvals Required</b>	<b>Comment</b>
<b>Residential</b>	New single-family	Building permit	No change
	Single-family addition	Building permit	No change
	Special Exception use	PZC (Special Exception) DAB (Design Review)	DAB is new
	<b>Adaptive Re-use</b>	<b>PZC (Special Exc.) DAB (Design Review)</b>	<b>NEW</b>
	<b>Rezone to SDD</b>	<b>PZC (Zone Change) DAB (Design Review)</b>	<b>NEW</b>
<b>Business</b>	<5,000 SF	PZC (Site Plan Approval) DAB (Design Review)	<u>No change</u> DAB is new
	>5,000 SF	PZC (Special Exception) DAB (Design Review)	5,000 SF is new DAB is new
	<b>Rezone to SDD</b>	<b>PZC (Zone Change) DAB (Design Review)</b>	<b>NEW</b>
<b>Manufacturing</b>	<10,000 SF	PZC (Site Plan Approval) DAB (Design Review)	<u>No change</u> DAB is new
	> 10,000 SF	PZC (Special Exception) DAB (Design Review)	<u>10,000 SF is new</u> DAB is new
	<b>Rezone to SDD</b>	<b>PZC (Zone Change) DAB (Design Review)</b>	<b>NEW</b>

## ZONING CONCEPT



Properties which front on Route 25 would be included in the South Main Village Design District (SMVDD).

For properties in a residential zone, the SMVDD would:

- allow for adaptive re-use of a residential structure for other uses (requires a Special Exception from the Commission and review by the Design Advisory Board), and
- allow for rezoning of the property to Special Development District (a more flexible zoning designation).

For properties in a business zone, the SMVDD would:

- require review by the Design Advisory Board of any new construction,
- require a Special Exception from the PZC for new construction in excess of 5,000 square feet (the current standard is 10,000 square feet), and
- allow for rezoning of the property to Special Development District (a more flexible zoning designation).

For properties in a manufacturing zone, the SMVDD would:

- require review by the Design Advisory Board of any new construction,
- require a Special Excedption from the Planning and Zoning Commission for new construction in excess of 10,000 SF, and
- allow for rezoning of the property to Special Development District (a more flexible zoning designation).

## Benefits to Newtown

The Planning and Zoning Commission believes that establishing the South Main Village Design District will allow Newtown to:

- encourage and allow appropriate development and redevelopment in the South Main Street corridor,
- effectively manage traffic impacts and property access in the corridor, and
- guide the design of buildings and sites in the corridor in ways that will enhance the character of Newtown.

## Benefits to Properties

The Planning and Zoning Commission believes that establishing the South Main Village Design District will accomplish the above objectives while allowing:

- all property owners to apply for establishment of a Special Development District (a more flexible zoning designation), and
- residential property owners to apply for adaptive reuse of existing structures.



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(same map with new title)

